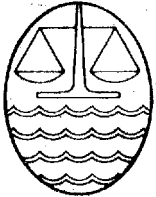




# UNITED NATIONS



## THIRD CONFERENCE ON THE LAW OF THE SEA

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### THIRD COMMITTEE

Note by the Chairman of the informal meetings of the Third  
Committee on item 13 (scientific research) and item 14  
(development and transfer of technology) to the Chairman  
of the Third Committee

Mr. Chairman,

In my capacity as Chairman of the informal meetings of the Third Committee, organized to consider items 13 and 14 entitled "Marine Scientific Research" and "Development and Transfer of Technology", I have the honour to inform you as follows:

In conformity with the organization of work decided upon by the Third Committee on 11 July 1974, there were 10 informal meetings from 23 July to 23 August 1974.

At the outset the informal meetings had before them for consideration all the proposals formally submitted to Sub-Committee III of the Sea-Bed Committee, as well as the texts transmitted by Working Group 3 of the Sea-Bed Committee (WG.3/Paper No. 4 on "Definition and Objectives of Marine Scientific Research", and WG.3/Paper No. 5 on "Conduct and Promotion of Marine Scientific Research").

At the request of the Third Committee, the Secretariat prepared an informal comparative table of all the above-mentioned texts, arranged in the following outline under the headings:

1. Definition and Objectives of Marine Scientific Research
2. Conduct and Promotion of Marine Scientific Research
  - (a) Right to conduct marine scientific research
  - (b) Consent, Participation and Obligations of coastal States
  - (c) General conditions for the conduct of marine scientific research
3. International and Regional Co-operation for Marine Scientific Research including Exchange and Publication of Scientific Data
4. International Ocean Space Institutions

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5. Status of Scientific Equipment in the Marine Environment
6. Responsibility and Liability
7. Settlement of Disputes
8. Obligations under United Nations Charter and other International Treaties

The informal meetings agreed that the outline should be considered as a tool for reference purposes only and should in no way prejudice the substantive discussion on any one of the subjects.

The informal meetings endeavoured to consolidate texts or reduce the number of alternatives. For that purpose, the informal meetings agreed to establish an open-ended drafting or negotiating group, which held 11 meetings.

The group was able to elaborate a set of general principles for the conduct and promotion of marine scientific research, which are reproduced in Section I-A of document A/CONF.62/C.3/L.17.

The group also elaborated consolidated articles concerning "International and Regional Co-operation for Marine Scientific Research including Exchange and Publication of Scientific Data", which appear in Section I-B of document A/CONF.62/C.3/L.17.

Both the general principles and the text on international and regional co-operation were agreed upon by the informal meetings.

On the question of "conduct and promotion of marine scientific research", in both the aspects of the right to conduct marine scientific research, and consent, participation and obligations of coastal States, the informal meetings had before them the five alternative texts transmitted by Working Group 3 of the Sea-Bed Committee (WG.3/Paper No. 5, reproduced in volume I, paragraph 70 of the Report of the Sea-Bed Committee). Furthermore, a number of new proposals were introduced during the meetings.

The views expressed in those texts range from the concept of consent for marine scientific research by the coastal State in the area under national jurisdiction and of direct conduct of marine scientific research by the International Authority in the field of its competence, to the concept of freedom of scientific research beyond the territorial sea of the coastal State.

After intensive negotiations among delegations, four integrated alternative texts were produced which reflect the approaches expressed in the informal meetings and in the informal drafting or negotiating group with regard to that question.

Those alternative texts are reproduced in Section II of document A/CONF.62/C.3/L.17. They are not meant to prejudge the position of any delegation, nor preclude any delegation from submitting new texts or amendments at a later stage, with a view to the over-all progress of the work of the Conference.

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The informal meetings also discussed the "Definition and Objectives of Marine Scientific Research", taking as a basis for their work the text transmitted by Working Group 3 of the Sea-Bed Committee (WG.3/Paper No. 4 - para. 70 of the Report of the Sea-Bed Committee). Additional texts were submitted in the course of the debate; they are contained in Section III-A of document A/CONF.62/C.3/L.17 as well as in document A/CONF.62/C.3/L.9. In the debate, however, the general view emerged that it would be more appropriate to discuss the question of a definition at a later stage.

With regard to the "Status of Scientific Equipment in the Marine Environment", additional texts were introduced in the informal meetings; they appear in Section III-B of document A/CONF.62/C.3/L.17. Because of lack of time, it was not possible to proceed to a consolidation of these texts.

In dealing with the "Responsibility and Liability", the informal meetings referred mainly to paragraph 1 of article 13 of document A/AC.138/SC.III/L.31. Amendments and two additional texts were submitted which appear in Section III-C of document A/CONF.62/C.3/L.17.

With respect to the "International Ocean Space Institutions", the informal meetings decided to postpone its consideration upon request of the author of the only text proposed on this subject.

The informal meetings also decided to postpone consideration of "Settlement of Disputes" and "Obligations under United Nations Charter and other International Treaties" because the general opinion was that the questions involved should be seen in the context of the Convention as a whole.

For lack of time the informal meetings could not deal with item 14 (Development and Transfer of Technology) on which a report of the Secretariat (A/CONF.62/C.3/L.3) and two proposals (A/CONF.62/C.3/L.6 and A/CONF.62/C.3/L.12) were introduced in the Third Committee.

I avail myself of this opportunity, Mr. Chairman, to reiterate to you the assurance of my highest consideration.

(Signed) Cornel A. Metternich

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